

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GREGORY FISHER,

Plaintiff,

V.

Case No. 04-10111(GAO)

THOMAS HODGSON, BRISTOL COUNTY
SHERIFF'S DEPARTMENT, PETER
PERRINCELLO,

Defendants.

**PLAINTIFF GREGORY FISHER’S MOTION FOR THE COURT
TO REQUEST THE WYOMING CORRECTIONAL FACILITY TO PROVIDE
MR. FISHER ACCESS TO A TELEPHONE FOR THE MEDIATION SESSION**

Plaintiff Gregory Fisher hereby moves the Court to issue a request to the Wyoming Correctional Facility in Attica, New York that Mr. Fisher be permitted to use a telephone to participate in the mediation session scheduled for April 4, 2005 at 10:00 a.m.

Discussion

1. This Court has scheduled a mediation in this case for April 4, 2005 at 10:00 a.m. Mr. Fisher is currently incarcerated and will need to participate by telephone.
2. Mr. Fisher has recently been moved to the Wyoming Correctional Facility (“Facility”) in Attica, New York. Undersigned Counsel for Mr. Fisher contacted the Facility to determine what procedures are necessary to facilitate Mr. Fisher’s telephonic appearance at the mediation session and to determine how they could confer with Mr. Fisher in advance of and in preparation for the mediation. Ms. Sue Kennedy, the Inmates Record Coordinator, stated that the Facility required a letter or order from the Court to afford Mr.

Fisher access to a telephone for the mediation. Ms. Kennedy also stated that a letter or order would be necessary to schedule a call prior to the mediation session in order for Mr. Fisher and his counsel to confer.

WHEREFORE, Mr. Fisher moves that the Court request by letter that the Facility provide Mr. Fisher with confidential access to a telephone at 10:00 a.m. on April 4, 2005 to participate in the mediation and confidential access to a telephone at an earlier time for Mr. Fisher to discuss the upcoming mediation with his counsel. A copy of proposed text for such a letter is attached at Exhibit A.¹ Any such letter should be sent to: Sue Kennedy; Inmates Record Coordinator; Wyoming Correctional Facility; 3203 Dunbar Road; P.O. Box 501; Attica, NY 14011.

/s/ Mark S. Freeman
Eric Bradford Hermanson (BBO # 560256)
Mark S. Freeman (BBO #636290)
Peter Bryan Moores (BBO # 658033)
CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
Tel.: (617) 248-5000
Fax.: (617) 248-4000

Dated: March 22, 2005

¹ If the Court would like an electronic version of the proposed letter, counsel for Mr. Fisher will provide one.